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7 THE HONORABLE RICHARD A. JONES  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GARY MOORE,

Plaintiff,

v.

F/V PACIFIC MARIT, INC., and/or  
BRENDAN BATES,

Defendants.

No. 2:16-cv-01876-RAJ

~~PROPOSED~~ STIPULATED MOTION AND  
ORDER OF TRANSFER TO THE U.S.  
DISTRICT COURT FOR THE DISTRICT  
OF OREGON, EUGENE DIVISION

COME NOW the parties above named, through their respective counsel of record, and stipulate to the entry of an Order of Transfer to the United States District Court for the District of Oregon, Eugene Division, for the reason that the Western District of Washington lacks personal jurisdiction and the proper venue is in the Eugene Division of the District of Oregon.

20 I. MOTION AND STIPULATION

21 A transfer is mandated by 28 U.S.C. §1631, because there is a want of jurisdiction in  
22 the Western District of Washington, the proper venue is the Eugene Division in the District  
23 of Oregon, and a transfer is in the interest of justice.

~~PROPOSED~~ STIPULATION AND ORDER  
OF TRANSFER - Page 1  
(Cause No. 2:16-cv-01876-RAJ)  
{28162-00282438;1}

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1       None of the parties reside in Washington State. They are all domiciled in Oregon,  
2 specifically in Douglas County. Defendants lack the requisite contacts with Washington  
3 State for an exercise of jurisdiction. Moreover, the alleged and disputed injury allegedly  
4 occurred while fishing off the coast of Coos Bay, Oregon.

5       This action should have been filed in the United States District Court for the District  
6 of Oregon, Eugene Division. Under Local Rule 3-2, the Eugene Division encompasses both  
7 Coos and Douglas Counties. Furthermore, the proper venue for Plaintiff's Jones Act claim is  
8 where the defendant either resides, transacted substantial business, or where the action arose.  
9       *E.g. Pure Oil Co. v. Suarez*, 384 U.S. 202, 204, 86 S. Ct. 1394, 1395, 16 L. Ed. 2d 474  
10 (1966) (venue proper where corporate defendant "transacted a substantial amount of  
11 business"). Oregon is the paradigm forum. For a corporation, "[t]he paradigmatic locations  
12 where general jurisdiction is appropriate ... are its place of incorporation and its principal  
13 place of business." *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1069 (9th Cir. 2015). "For an  
14 individual, the paradigm forum for the exercise of general jurisdiction is the individual's  
15 domicile ...." *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 924, 131  
16 S.Ct. 2846, 180 L.Ed.2d 796 (2011).

17       A transfer is in the interest of justice, because a dismissal for lack of jurisdiction  
18 would time-bar Plaintiff's action. *See Complaint* (Dkt #1) (alleging injury in or about  
19 December/January 2013/2014).

20       For these reasons, the parties hereby stipulate to a transfer to the United States  
21 District Court for the District of Oregon, Eugene Division.

22            ///

23            ///

**PROPOSED STIPULATION AND ORDER  
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(Cause No. 2:16-cv-01876-RAJ)**  
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DATED this 19<sup>th</sup> day of January, 2017.

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## II. ORDER

IT IS ORDERED that the above-captioned lawsuit be and hereby is TRANSFERRED  
to United States District Court for the District of Oregon, Eugene Division.

DATED this 23rd day of January, 2017.



The Honorable Richard A. Jones  
United States District Judge

**PROPOSED STIPULATION AND ORDER  
OF TRANSFER - Page 3**  
(Cause No. 2:16-cv-01876-RAJ)  
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